

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

July 15, 2002

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, July 15, 2002 at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., (arrived late) C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend D. Keith Beasley, Pastor, Good Shepherd Lutheran Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

DECEASED PERSONS: Mr. Bestpitch offered the following resolution memorializing the late Murray A. Stoller, who passed away on July 4, 2002:

(#35970-071502) A RESOLUTION memorializing the late Murray A. Stoller, a former City Council member and Mayor of the City of Roanoke.

(For full text of resolution, see Resolution Book No. 65, page 257.)

Mr. Bestpitch moved the adoption of Resolution No. 35970-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

DIRECTOR OF FINANCE-PENSIONS-FINANCIAL REPORTS: The Mayor advised that for the past 28 years, the City of Roanoke has been the recipient of an award for excellence in financial reporting awarded by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports achieve the highest standards in governmental accounting and financial reporting. He presented a plaque to Jesse A. Hall, Director of Finance, for the City's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2001, and a certificate to Anne Shawver, Deputy Director of Finance, with congratulations and appreciation to the entire Department of Finance. He also presented a certificate of financial reporting achievement to Harold Harless, Retirement Plans Accountant.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request for a Closed Session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council.

MINUTES: Minutes of the regular meeting of Council held on Monday, May 20, 2002, and Monday, June 3, 2002, were before the body.

Mr. Harris moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

COMMITTEES -CITY COUNCIL: A communication from the Mayor requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A) (1), Code of Virginia (1950), as amended, was before Council

Mr. Harris moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A) (1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

COMMITTEES-HOUSING/AUTHORITY-ROANOKE ARTS COMMISSION-FIFTH PLANNING DISTRICT COMMISSION-GREENWAY SYSTEM-PENSIONS: The following reports of qualification were before Council:

William D. Bestpitch as a member of the Roanoke Valley Area Metropolitan Planning Organization, for a term ending June 30, 2005;

Sherman V. Burroughs, IV, as a member of the Fair Housing Board, for a term ending March 31, 2003;

Cyril J. Goens for a term ending June 30, 2004, and David C. Key for a term ending June 30, 2006, as members of the City of Roanoke Pension Plan, Board of Trustees;

Frank J. Eastburn and Anna S. Wentworth as members of the Roanoke Arts Commission, for terms ending June 30, 2005; and

Barry W. Baird as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2005.

Mr. Harris moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch Carder, Cutler, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

TOTAL ACTION AGAINST POVERTY-GRANTS: The City Manager submitted a communication advising that historically, Total Action Against Poverty (TAP), has received Community Development Block Grant (CDBG) funds from the City of Roanoke to provide emergency home repair services for elderly and disabled homeowners; on May 13, 2002, Council authorized funding for emergency home repair services to elderly and disabled homeowners, pursuant to Resolution No. 35848-051302, which approved submission of the City's 2002-2003 Consolidated Plan Action Plan to the U. S. Department of Housing and Urban Development (HUD); and on June 17, 2002, Council accepted 2002-2003 CDBG funds, pursuant to Ordinance No. 35914-061702 and Resolution No. 35915-061702.

It was further advised that in order to provide funding for TAP to provide emergency home repairs to elderly and disabled homeowners approved in the City's Consolidated Plan, authorization by Council is needed to execute a subgrant agreement with TAP; and funding is available in Account No. 035-G03-0320-5080 in the amount of \$100,000.00; whereupon, the City Manager recommended that she be authorized to execute a CDBG Subgrant Agreement with Total Action Against Poverty as above described.

Mr. Bestpitch offered the following resolution:

(#35971-071502) A RESOLUTION authorizing the City Manager to enter into the 2002-2003 Community Development Block Grant (CDBG) Subgrant Agreement with Total Action Against Poverty (TAP) and any necessary amendments thereto to provide emergency home repair services for elderly and disabled homeowners.

(For full text of Resolution, see Resolution Book No. 65, page 258.)

Mr. Bestpitch moved the adoption of Resolution No. 35971-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-GRANTS-JUVENILE CORRECTIONAL FACILITIES-YOUTH: The City Manager submitted a communication advising that the Aggression Replacement Training and Education Program is an anger control program operated by Sanctuary Crisis Intervention staff, which is designed to increase public safety and provide accountability to assaultive youth; the pilot for the program had a 94 per cent success rate and continues to be a valuable addition to the continuum of services available in the treatment of juvenile offenders; and ARTEP provides a less costly alternative than incarceration of juvenile offenders and increases options available to juvenile court judges.

It was further advised that this is the fourth year in a five-year funding cycle, with increasing local responsibility for funding; revenue from Juvenile Justice and Delinquency Prevention Title II has decreased to 50 per cent of the project total in the fourth year; revenues from JJDP will decrease to 25 per cent of the project total in the fifth year, to allow for local assumption of costs; and grant local cash match for this year is \$35,143.00 and in fiscal year 2003-2004, local match will be \$52,714.00.

The City Manager recommended that Council adopt a resolution accepting \$35,143.00 in Federal Funds from the Department of Criminal Justice Services, Grant No. 03-D3256JJ02, from Sanctuary's Aggression Replacement Training and Education Program; that the City Manager be authorized to execute the required Grant Acceptance, Request for Funds and any other forms required by the Department of Criminal Justice Services, in order to accept funds; and that Council appropriate \$35,143.00 in State funds to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance, the local match for said grant is included in the Crisis Intervention Center budget.

Mr. Bestpitch offered the following budget ordinance:

(#35972-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 259.)

Mr. Bestpitch moved the adoption of Ordinance No. 35972-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Bestpitch offered the following resolution:

(#35973-071502) A RESOLUTION authorizing the acceptance of a Juvenile Justice and Delinquency Prevention Title II Grant from the Department of Criminal Justice Services for the City's Crisis Intervention Center (Sanctuary) Aggression Replacement Training and Education Program; and authorizing the execution of the necessary documents.

(For full text of Resolution, see Resolution Book No. 65, page 260.)

Mr. Bestpitch moved the adoption of Resolution No. 35973-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HOUSING/AUTHORITY-GRANTS-NEIGHBORHOOD ORGANIZATIONS: The City Manager submitted a communication advising that historically, the Northwest Neighborhood Environmental Organization (NNEO) has received Community Development Block Grant (CDBG) funds from the City of Roanoke to conduct housing and other community development projects in the Gilmer neighborhood; the original agreement for the NNEO "McCray Court Senior Living" project was executed on September 26, 2000, and provided \$300,000.00 in CDBG funds; on May 7, 2001,

Council authorized funding for continued architectural and engineering and construction costs associated with the “McCray Court Senior Living” project, pursuant to Resolution No. 35319-050701, which approved submission of the City’s Annual Update to the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD); and on June 18, 2001, Council accepted 2001-2002 CDBG funds, pursuant to Ordinance No. 35406-070201 and Resolution No. 35407-061801.

It was further advised that on May 13, 2002, Council authorized funding for continued architectural, engineering and construction costs associated with the “McCray Court Senior Living” project, pursuant to Resolution No. 35848-051302, which approved submission of the City’s Annual Update to the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD); and on June 17, 2002, Council accepted 2002-2003 CDBG funds, pursuant to Ordinance No. 35914-061702 and Resolution No. 35915-061702.

The City Manager advised that a second amendment to the Agreement with NNEO is necessary in order to provide additional funds for NNEO to continue to develop the McCray Court Senior Living project; funding is available in Account No. 035-G03-0337-5297, in the amount of \$277,750.00, which allocation will fulfill the City’s financial commitment to NNEO in support of the McCray Court Senior Living Program; whereupon, the City Manager recommended that she be authorized to execute Amendment No. 2 to “McCray Court Senior Living” Subgrant Agreement with NNEO.

Mr. Bestpitch offered the following resolution:

(#35974-071502) A RESOLUTION authorizing the execution of Amendment No. 2 to a Subgrant Agreement dated September 26, 2000, between the City and the Northwest Neighborhood Environmental Organization, Inc., for additional funding to develop the McCray Court Senior Living Project.

(For full text of Resolution, see Resolution Book No. 65, page 261.)

Mr. Bestpitch moved the adoption of Resolution No. 35974-071502. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

LEASES-TELEPHONE EQUIPMENT-WATER RESOURCES-EQUIPMENT: The City Manager submitted a communication advising that Council approved and adopted the City of Roanoke Policy with regard to Wireless Telecommunications Facilities located on City property dated January 21, 1997, in accordance with a recommendation set forth in a report of the Water Resources Committee dated February 3, 1997; the City currently has lease agreements with two wireless communication providers: Triton PCS Property Company, L.L.C., and Virginia PCS Alliance, L.C., also doing business as NTELOS, which allows placement of equipment on the City's water tanks and the following property: Triton and Virginia PCS have leases for the following three water tanks: (1) the Grandin Court (also called Creston Avenue) Elevated Water Tank No. 1, (2) the Summit Water Tank, and (3) the Washington Heights Water Tank, Triton also has a lease for the Mount Pleasant Water Tank; and the term of each initial lease expires on July 31, 2002, and each lease provides for up to two five year renewals, upon mutual agreement of the parties.

It was further advised that the monthly rental was established in the terms of the first five year lease period at \$750.00 per month, plus the increase in the Consumer Price Index for each subsequent year; City staff conducted a market survey in the fall of 2001 and found the current market value of these sites to be considerably higher; the new rate schedule average over the five year lease is \$1,445.00 per month; as required by lease agreements, the companies were contacted in writing by the City, provided a new rate schedule, and requested to respond by advising the City if they desired to renew their leases under the new rental rate terms; each provider has responded and expressed a desire to renew the lease agreements in accordance with the new rate structure, which will be effective August 1, 2002; and each lease renewal will be for a period of five years, from August 1, 2002, through July 31, 2007, with a provision for up to one additional five year renewal upon mutual agreement of the parties, with other terms and conditions of the leases to continue in force as currently set forth.

The City Manager recommended that Council approve lease renewals as set forth above that will provide for increased rental payments to the City, and authorize the City Manager to execute such lease renewal agreements with Triton PCS Property Company, L.L.C., and Virginia PCS Alliance, a Virginia Limited Liability Company, also d/b/a/ NTELOS, such agreements to be in a form approved by the City Attorney; and that the City Manager be authorized to take such further actions or execute such additional documents as may be necessary to implement and administer such agreements.

Mr. Carder offered the following ordinance:

(#35975-071502) AN ORDINANCE authorizing the proper City officials to enter into Lease Renewal Agreements between the City and Triton PCS Property Company, L. L. C. (Triton) for use of a portion of the following four City owned water tanks and sites on which those water tanks are located: the Washington Heights Water Tank; the Summit Water Tank; the Mount Pleasant Water Tank; and the

Grandin Court Elevated Water Tank No. 1 (also known as Creston Avenue Elevated Water Tank No. 1); providing that such use shall be for the placement, operation, and maintenance of personal communication system antennas and related equipment, upon certain terms and conditions; authorizing the City Manager to take such further actions and execute such additional documents as may be necessary to implement and administer such Agreements; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 262.)

Mr. Carder moved the adoption of Ordinance No. 35975-071502. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Carder offered the following ordinance:

(#35976-071502) AN ORDINANCE authorizing the proper City officials to enter into Lease Renewal Agreements between the City and Virginia PCS Alliance, L. C., a Virginia Limited Liability Company also d/b/a NTELOS (Virginia PCS) for use of a portion of the following three City owned water tanks and sites on which those water tanks are located: the Washington Heights Water Tank; the Summit Water Tank; and the Grandin Court Elevated Water Tank No. 1 (also known as Creston Avenue Elevated Water Tank No.1); providing that such use shall be for the placement, operation, and maintenance of personal communication system antennas and related equipment, upon certain terms and conditions; authorizing the City Manager to take such further actions and execute such additional documents as may be necessary to implement and administer such Agreements; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 264.)

Mr. Carder moved the adoption of Ordinance No. 35976-071502. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

SWIMMING POOLS-LEASES: The City Manager submitted a communication advising that Roanoke Valley Swimming, Inc., (RVSI) was created in 1988 as a 501(c)(3) non-profit corporation to develop and promote a local competitive swimming team; on June 10, 1991, RVSI leased 1.366 acre from the City for construction and operation of an indoor swimming pool; the facility was subsequently named the Gator Aquatic Center ("Facility"); a ten-year Deed of Lease Agreement with RVSI was authorized by Council, pursuant to Ordinance No. 30534-52891, which expired on June 10, 2001; following considerable discussion and negotiations, the parties have agreed to amend the lease by executing a Deed of Lease Extension, to provide for two additional five year terms, upon certain additional terms and conditions; the proposed extension provides for continued use of the facility by RVSI and the Roanoke City School System "Learn to Swim Program;" and extension also allows the Gator Swim Team to use City outdoor pools up to 290 hours per summer for practice and increases the City's use of the facility from six to 12 hours per week, which usage is nearly twice the current public use of the facility as permitted under the lease.

The City Manager recommended that she be authorized to execute a Deed of Lease Extension, approved as to form by the City Attorney.

Mr. Carder moved that the following ordinance be placed upon its first reading:

(#35977) AN ORDINANCE authorizing the proper City officials to enter into a Deed of Lease Extension between the City of Roanoke and Roanoke Valley Swimming, Inc., for the lease and operation of certain City-owned property known as the Gator Aquatic Center, upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 65, page 266.)

The motion was seconded by Mr. Bestpitch.

Douglas Fonder, representing Roanoke Valley Swimming, Inc., 4725 Garst Mill Road, S. W., advised that in 1991, there was considerable fanfare regarding a joint venture to construct the Gator Aquatic Center, the future of aquatics, and the Gator Aquatic Center serving as the center point of the Roanoke Valley. He stated that 11 years later the facility consists of an eight lane, 25 foot swimming pool, two restrooms, two small multi-purpose rooms and a large parking area. He noted that approximately 3500 students participate in a learn to swim program, Virginia Western Community College swim classes are held at the facility, Cave Spring High School, Patrick Henry High School and William Byrd High School use the facility for their swim teams, other activities include a water aerobics program under the

auspices of the City of Roanoke Department of Parks and Recreation, scuba diving and kayaking for the Roanoke Valley, and a masters adult swim program. He stated that the facility is open from 5:00 a.m. to 9:00 p.m., Monday - Friday and from 9:00 a.m. - 7:00 p.m. on Saturday and Sunday, and approximately 70 families fund the majority of the \$250,000.00 per year operating expenses of the facility. He advised that an expanded Gator Aquatic Center could better serve the needs of the community; however, the Board of Directors was informed that in view of current economic times, the City of Roanoke could not provide assistance with funding, although shortly thereafter, it was reported by the news media that the City had made a \$2 million donation to the YMCA aquatics program. Therefore, he questioned where the Gator Aquatic Center fits in with the overall scheme of activities in the Roanoke Valley.

Ordinance No. 35977 was adopted on first reading by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

ARMORY/STADIUM-LEASES: The City Manager submitted a communication advising that the City of Roanoke and the Commonwealth of Virginia, Department of Military Affairs (DMA), agreed on June 28, 1954, to construct an Armory to be utilized by the Virginia National Guard; the original use agreement stated that upon completion of the Armory, the National Guard was permitted to use the facility, rent free, for 25 years; at the end of the original 25 years, the Armory became the property of the City of Roanoke, and the National Guard was permitted to continue its use of the facility at no charge as a condition of the original agreement; and the City has continued to pay all maintenance and utility costs since completion of the Armory, despite the City's limited use of the facility.

It was further advised that the agreement signed by the City and the Department of Military Affairs (DMA) in 1954 expired over 20 years ago, without a new agreement ever having been executed; DMA is exploring options to construct a new facility, but desires to remain in the current City owned Armory until a new facility may be constructed; a new agreement has been proposed that permits the National Guard to continue its use of the Armory at no charge; the City will also be permitted to use the facility simultaneously on an as needed basis; however, due to the City's limited use, DMA will begin paying all utilities, custodial, and operational maintenance costs; the City will continue to handle all capital maintenance for the facility and maintenance of the grounds; the City will realize potential savings of \$50,000.00, with the proposed new agreement; and term of the proposed agreement is five years, with either party having the option to terminate the agreement upon 12 months notice.

The City Manager recommended that she be authorized to offer and execute a new Use Agreement between the City of Roanoke and the Commonwealth of Virginia, Department of Military Affairs, as above described:

Mr. Bestpitch offered the following ordinance:

(#35978-071502) AN ORDINANCE authorizing the City Manager to enter into a permit agreement with the Commonwealth of Virginia Department of Military Affairs, for the use of City-owned property located at the National Guard Armory for use by the Department of Military Affairs, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 267.)

Mr. Bestpitch moved the adoption of Ordinance No. 35978-071502. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUILDINGS/BUILDING DEPARTMENT-PARKS AND RECREATION-SCHOOLS:
The City Manager submitted a communication advising that the present Joint Use Agreement between the City of Roanoke and the City of Roanoke School Board was adopted by Council on November 11, 1957, pursuant to Resolution No. 13236 between the School Board and the Parks and Recreation Department; the purpose of the proposed Joint Use Agreement is to assist in planning the development and use of facilities in a manner which maximizes the benefits to the citizens of the City of Roanoke; and the agreement provides for purchase of property for school facilities, purchase of property adjacent to school facilities for community use or school use, construction of new school facilities, expansion or renovation of existing school facilities, and use and maintenance of school and park facilities in a manner which will enhance the cultural, recreational, athletic and educational opportunities for the citizens of Roanoke.

It was further advised that Council directed the City Manager to review and update the policies for property owned by the City of Roanoke and managed by the Department of Parks and Recreation that are jointly used by the School Board and Parks and Recreation; the agreement covers more than property which is managed by the Department of Parks and Recreation, updates Joint Use policies to fit today's

standards, and further emphasizes the City/School partnership, as well as the need to maximize facility use and development; the proposed agreement may be terminated by either party for any cause after providing 60 days written notice; and the School Board has approved the proposed agreement.

The City Manager recommended that she be authorized to execute the proposed Joint Use Agreement with the Roanoke City School Board, subject to approval as to form by the City Attorney.

Mr. Carder offered the following resolution:

(#35979-071502) A RESOLUTION authorizing the City Manager to execute a joint use agreement between the City of Roanoke and the City of Roanoke School Board which relates to practices and policies pertaining to the purchase of property for school facilities, the purchase of property adjacent to school facilities for community use or school use, the construction of new school facilities, the expansion or renovation of existing school facilities, and the use and maintenance of school and park facilities, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 65, page 267.)

Mr. Carder moved the adoption of Resolution No. 35979-071502. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BONDS/BOND ISSUES-BUDGET-HOUSING/AUTHORITY-RIVERSIDE CENTRE:
The City Manager submitted a communication advising that on March 19, 2001, Council executed a Cooperation Agreement with the Roanoke Redevelopment and Housing Authority (RRHA) to develop the Riverside Centre for Research and Technology; on March 19, Council also approved entering into a Performance Agreement with Carilion Health System (CHS) and Carilion Biomedical Institute (CBI) that stated the City's dedication to the project and CBI's intention of being one of the first tenants of the new park; and on March 19, 2001, Council approved the Redevelopment Plan for the South Jefferson Redevelopment Area.

It was further advised that in the past 15 months, the Housing Authority has begun to purchase the required sites for development by CHS/CBI as a part of Phase 1 of the project, as well as move businesses from the area to other sites; the budget approved in the Cooperation Agreement with the Housing Authority is \$14.0 million;

last year \$5.0 million was appropriated (\$4.0 million from bond proceeds and \$1.0 million from Capital Projects Fund interest earnings) and the Housing Authority has spent most of the funds in acquiring land and relocating businesses, as well as environmental studies and remediation for the area; and at this time, expenses of the Housing Authority for Phase 1 have been within original expectations of the City of Roanoke and the Housing Authority.

It was explained that redeveloping the South Jefferson area into the Riverside Centre for Research and Technology is a priority of the City of Roanoke, and in order to keep the project on target, additional funds need to be made available to the Housing Authority; and Riverside Centre is expected to provide one million square feet of building space, attract \$7 million of private investment and provide over 1000 new technical jobs.

The City Manager recommended that Council appropriate \$8 million from Series 2002 Bond Proceeds, Account No. 008-530-9711, to the South Jefferson project, Account No. 008-052-9633, which will allow the Housing Authority to continue the work outlined in the Cooperation Agreement dated March 19, 2001; and these funds are a part of the \$14 million approved by Council for the project on March 19, 2001.

Mr. Harris offered the following budget ordinance:

(#35980-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 268.)

Mr. Harris moved the adoption of Ordinance No. 35980-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

DONATIONS/CONTRIBUTIONS-ARMORY/STADIUM-ROANOKE CIVIC CENTER:
The City Manager submitted a communication advising that pursuant to authorization by Council, the City Manager has acquired several properties across Orange Avenue from the Roanoke Civic Center for the purpose of constructing a multipurpose Stadium/Amphitheater facility; and Mr. Calvin Powers has agreed to donate a parcel of land to the City for the project containing approximately one-half acre, identified as Official Tax No. 3070321.

The City Manager recommended that she be authorized to accept the above described donation of property, subject to satisfactory environmental site inspection.

Mr. Bestpitch offered the following ordinance:

(#35981-071502) AN ORDINANCE providing for the acceptance of certain property rights needed by the City for the Stadium/Amphitheater Project, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 269.)

Mr. Bestpitch moved the adoption of Ordinance No. 35981-071502. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Council requested that a letter of appreciation be forwarded to Mr. Calvin Powers for his generous donation to the City.

BUDGET-FLEET MAINTENANCE FUND: The City Manager submitted a communication advising that in prior years, all fuel purchases were handled by the City's Materials Control Fund; however, at the close of fiscal year 2002, the Materials Control Fund was closed due to discontinuation of the central warehouse function and all responsibilities related to the purchase of fuel were reassigned to the Fleet Management Fund; fuel for the City's underground tanks will be purchased by the Fleet Management Fund and subsequently billed to departments through the same billing process as in prior years; budget increases of an equal amount in the Fleet Management Fund's revenue and expense estimates are needed for fiscal year 2003 to account for new responsibilities; and such recommended adjustments do not have a material impact on the City's General Fund Budget.

The City Manager recommended that Council adopt a measure amending the revenue and expenses of the Fleet Management Fund for fiscal year 2003.

Mr. Carder offered the following budget ordinance:

(#35982-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fleet Management Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 270.)

Mr. Carder moved the adoption of Ordinance No. 35982-071502. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY EMPLOYEES-JUVENILE CORRECTIONAL FACILITY-YOUTH: The City Manager submitted a communication advising that the Roanoke Valley Detention Commission was established by the Cities of Roanoke and Salem and the Counties of Botetourt, Franklin and Roanoke; the Commission was created to renovate and construct an addition to the existing City Detention Center to increase the rated capacity to an 81 bed facility and to equip, maintain, and operate the Center; and construction and renovation is now complete, allowing the Center to operate at full capacity.

It was further advised that in August 1998, the Director of Finance was appointed by Council to serve as the temporary fiscal agent for the Commission; the City also contracted to provide accounting, payroll and retirement administrative services for the Commission at a fee of \$40,000.00 annually; the Commission has acquired software and established accounting procedures to perform accounting services in-house, effective July 1, 2002, and anticipate assuming the responsibility of processing payroll in-house effective January 1, 2003; a proposed Administrative Services Agreement provides for the City to transition accounting services and provide payroll services for the Commission through December 31, 2002, for a fee of \$22,500.00; and the City of Roanoke will continue to provide retirement administrative services for the Commission, to be determined by the annual Cost Allocation Plan for years beginning on and after July 1, 2003.

The City Manager recommended that she be authorized to execute an agreement to provide for accounting, payroll and pension services for the Roanoke Valley Detention Commission.

Mr. Bestpitch offered the following resolution:

(#35983-071502) A RESOLUTION authorizing execution of an Administrative Services Agreement between the City of Roanoke and the Roanoke Valley Detention Commission, relating to the provision by the City of accounting, payroll and retirement administrative services for the Commission.

(For full text of Resolution, see Resolution Book No. 65, page 271.)

Mr. Bestpitch moved the adoption of Resolution No. 35983-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

AIRPORT-BUDGET-REGIONAL COMPETITIVENESS ACT: The City Manager submitted a communication advising that prompted by a desire to enhance air service to and from the Roanoke Regional Airport, in January, 2001, the City applied for a \$50,000.00 grant under the Regional Competitiveness Program, a State-funded program administered by the Fifth Planning District Regional Alliance; funds were to serve as the seed from which to grow a subsidy pool of over \$800,000.00 to attract a carrier to increase low-cost daily flights between Roanoke and Dulles International Airports and in March, 2001, the City received notice that its proposal was being allocated \$45,000.00; since that time, the City has reviewed its intended project concept and determined that a preliminary stage was needed to help focus development efforts; a request was made to the Regional Alliance in January, 2002, to allow the award to be used for consultant services, which would help create the public-private partnerships and action plans required to make progress; and final agreement on terms of the revised use of funds was reached in May, 2002.

It was further advised that the terms of the revised agreement with the Regional Alliance provide for a grant of \$25,000.00 for consulting services, subject to the City providing an equal amount of matching funds; to expedite air service development activities, the City has engaged the services of Barry E. DuVal, President and CEO of Kaufman & Canoles Consulting, LLC, Newport News, Virginia; the one-year consulting services agreement began April 1, 2002, and provides a monthly retainer of \$4,100.00, for a total compensation of \$49,200.00, plus a maximum of \$12,000.00 for normal business expense reimbursements; the maximum total commitment of \$61,200.00 for consulting services will be supported by the \$25,000.00 grant of Regional Competitiveness Program funds and a commitment of \$12,500.00 from Roanoke County, with the balance of \$23,700.00 to be provided from the City Manager's Contingency; and City and County contributions will also fully satisfy the match requirement to receive Regional Competitiveness Funds.

The City Manager recommended that Council accept \$25,000.00 in Regional Competitiveness Program funds and the commitment of \$12,500.00 from Roanoke County, and appropriate said funds to an account to be established by the Director of Finance; and that Council approve transfer of \$23,700.00 from the Contingency to the newly-established account.

Mr. Carder offered the following budget ordinance:

(#35984-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 272.)

Mr. Carder moved the adoption of Ordinance No. 35984-071502. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

(Council Member Dowe was absent.)

DIRECTOR OF FINANCE:

BUDGET: The Director of Finance submitted a written report advising that at the close of fiscal year 2002, budgeted funds were obligated for outstanding encumbrances; purchase orders or contracts were issued for goods and services as of the close of fiscal year 2002, but delivery of the goods or performance of the services had not been completed; and reappropriation of the funds carries forward the unspent budgets that were originally appropriated and are contractually obligated for the goods and services, as follows:

General Fund	\$ 2,433,798.00
Water Fund Open Encumbrances	339,381.00
Water Pollution Control Fund Open Encumbrances	385,331.00
Civic Facilities Fund Open Encumbrances	202,085.00
Parking Fund Open Encumbrances	3,250.00
Department of Technology Fund Open Encumbrances	83,903.00
Fleet Management Fund	512,179.00
School Fund Open Encumbrances	1,502,419.00
School Food Services Fund Open Encumbrances	6,330.00

The Director of Finance recommended that Council adopt budget ordinances to reappropriate the above referenced funds into the current year budgets, in order that encumbrances may be properly liquidated.

Mr. Bestpitch offered the following budget ordinance:

(#35985-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 274.)

Mr. Bestpitch moved the adoption of Ordinance No. 35985-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Bestpitch offered the following budget ordinance:

(#35986-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 276.)

Mr. Bestpitch moved the adoption of Ordinance No. 35986-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Bestpitch offered the following budget ordinance:

(#35987-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Pollution Control Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 277.)

Mr. Bestpitch moved the adoption of Ordinance No. 35987-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Bestpitch offered the following budget ordinance:

(#35988-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Civic Facilities Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 278.)

Mr. Bestpitch moved the adoption of Ordinance No. 35988-071502. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Bestpitch offered the following budget ordinance:

(#35989-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Parking Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 279.)

Mr. Bestpitch moved the adoption of Ordinance No. 35989-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Bestpitch offered the following budget ordinance:

(#35990-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Department of Technology Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 280.)

Mr. Bestpitch moved the adoption of Ordinance No. 35990-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Bestpitch offered the following budget ordinance:

(#35991-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fleet Management Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 280.)

Mr. Bestpitch moved the adoption of Ordinance No. 35991-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Bestpitch offered the following budget ordinance:

(#35992-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 281.)

Mr. Bestpitch moved the adoption of Ordinance No. 35992-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Mr. Bestpitch offered the following budget ordinance:

(#35993-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Food Service Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 282.)

Mr. Bestpitch moved the adoption of Ordinance No. 35993-071502. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A report of the Roanoke City School Board requesting appropriation of funds to the following school accounts, was before Council.

\$54,081.00 for the Comprehensive School Reform (CSR) Grant to provide for replication of successful intervention programs from other school divisions at Forest Park Elementary School; Forest Park will implement a basic skills program that includes staff development and remedial skills instruction, which program will be one 100 per cent reimbursed by Federal funds.

\$54,081.00 for the Comprehensive School Reform (CSR) Grant to provide for replication of successful intervention programs from other school divisions at Highland Park Elementary School; Highland Park will implement a basic skills program that includes international baccalaureate math, and reading skills instruction, which continuing program is 100 per cent reimbursed by Federal funds.

\$54,081.00 for the Comprehensive School Reform (CSR) Grant to provide for replication of successful intervention programs from other school divisions at Round Hill Montessori Magnet Primary School; Round Hill will implement a basic skills program that includes staff development and remedial skills instruction, which continuing program is 100 per cent reimbursed by Federal funds.

\$54,081.00 for the Comprehensive School Reform (CSR) Grant to provide for replication of successful intervention programs from other school divisions at Preston Park Elementary School; Preston Park will implement a basic skills program that includes staff development and remedial skills instruction, which continuing program is 100 per cent reimbursed by Federal funds.

\$37,565.00 for the 2003 Title III Grant to provide services to students with limited English proficiency and to immigrant children, which new program is 100 per cent reimbursed by Federal funds.

The Director of Finance submitted a written report recommending that Council concur in the request of the School Board.

Mr. Carder offered the following budget ordinance:

(#35994-071502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 283.)

Mr. Carder moved the adoption of Ordinance No. 35994-071502. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MEMBERS OF COUNCIL:

BUDGET-LEGISLATION-SCHOOLS: Council Member Wyatt distributed information with regard to the Elementary and Secondary Education Act, the President's "Leave No Child Behind" bill, which involves financial and other implications for localities.

WATER RESOURCES: Council Member Bestpitch commended the Mayor for his statement as reported in a recent article in The Roanoke Times regarding the lack of involvement by politicians at this point in the development of an agreement

between Roanoke City and Roanoke County for a regional water authority. He concurred in the Mayor's remarks that this is the time to trust the City Manager and her staff and the County Administrator and his staff to work out the necessary details and advised that in the near future, Council Members will have an opportunity to be involved in the process.

At this point, Council Member Dowe entered the meeting.

WATER RESOURCES: Council Member Cutler referred to conversations with elected officials from Roanoke County and Bedford County, who are supportive of a regional approach to a water authority, and advised that he looks forward to participating in the process at the appropriate time.

ECONOMIC DEVELOPMENT: Council Member Carder requested that the City Manager present a measure for consideration by Council in support of efforts of the Fifth Planning District Regional Alliance: Regional Economic Strategy, with regard to a regional economic development policy.

BUDGET-TAXES-FIRST CITIES COALITION: Council Member Carder addressed issues facing Virginia localities and Virginia's First Cities Coalition, specifically tax restructuring, personal property, Business, Professional and Occupational License taxes, replacement revenues, and the importance of educating citizens at the local level on State funding implications.

POLICE DEPARTMENT-BUDGET-LEGISLATION: Council Member Wyatt referred to HB 599 revenue that the State has given and taken away on several occasions, and advised that simply because the Commonwealth of Virginia states that it will replace revenue does not provide a guaranteed revenue stream.

BUDGET-SCHOOLS: Council Member Cutler advised that it was noted at the newly Elected Officials' Conference sponsored by the Virginia Municipal League in Charlottesville, Virginia, on July 10-12, 2002, that the States of Mississippi and Alabama spend more per capita on education than does the Commonwealth of Virginia.

BUDGET-TAXES: Council Member Bestpitch inquired as to what percentage increase in the overall State income tax would be required to make up the difference if the General Assembly eliminates the personal property and the Business, Professional and Occupational License taxes.

TAXES-LEGISLATION-FIRST CITIES COALITION: Vice-Mayor Harris inquired about the status of litigation previously discussed by Virginia's First Cities Coalition; whereupon, the City Manager advised that the option is still in the process of evaluation. Vice-Mayor Harris advised that Council should proactively involve the

City's legislative delegation to the General Assembly so that legislators will be aware of the amount of funds that personal property and Business, Professional and Occupational License taxes generate for the City of Roanoke. He suggested that the matter be addressed by the City's Legislative Committee.

COMMITTEES-SCHOOLS: Vice-Mayor Harris referred to the resignation of William E. Skeen as a Trustee of the Roanoke City School Board, effective July 24, 2002, and called attention to the following schedule proposed by the City Clerk to fill the vacancy:

- | | | |
|-------------|---|---|
| July 18 | - | Advertise for applications |
| August 1 | - | Deadline for receipt of applications |
| August 19 | - | Public hearing |
| September 3 | - | Appointment by Council to fill the unexpired term |

STATE OF THE CITY REPORT: The Mayor advised that on July 25, 2002, at 7:30 a.m., he will present the annual State of the City Address at the Wyndham Roanoke Airport Hotel, sponsored by the Roanoke Regional Chamber of Commerce, and encouraged those persons interested in attending to call the Chamber of Commerce or the City Clerk's Office.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

No citizens requested to be heard under this agenda item.

CITY MANAGER COMMENTS:

WATER RESOURCES: The City Manager expressed appreciation for the support of the Mayor and Members of Council by permitting the Administrations of Roanoke City and Roanoke County to address the regional water authority issue, and advised that both the City Manager and the County Administrator believe that there will be a favorable outcome for the citizens of the Roanoke Valley.

AIRPORT-BUDGET-REGIONAL COMPETITIVENESS ACT: The City Manager referred to Regional Competitiveness Act funds which were appropriated earlier during the meeting and advised that once again, the City of Roanoke and Roanoke County have participated in a joint funding relationship that will provide for engagement of a consultant to help improve air service for the Roanoke Valley region.

CITY EMPLOYEES-COMMUNITY PLANNING: The City Manager introduced the Director of Planning, Building and Development, R. Brian Townsend, who officially assumed his duties on Monday, July 15, 2002.

DECEASED PERSONS: The City Manager advised of the death of S. Elaina Loritts, who was a champion for neighborhoods and served on the City's Fair Housing Board and the Roanoke Neighborhood Partnership Steering Committee, on Sunday, July 14, 2002.

At 3:20 p.m., the Mayor declared the meeting in recess for one closed session.

At 3:50 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

At 3:55 p.m., the Mayor declared the meeting in recess to be reconvened at 5:00 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., for the purpose of holding a joint meeting of Council and the Architectural Review Board.

COUNCIL-ARCHITECTURAL REVIEW BOARD: The Council meeting reconvened at 5:00 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, for a joint meeting of Council and the Architectural Review Board, with Mayor Ralph K. Smith and Chairman Robert N. Richert presiding.

COUNCIL MEMBERS PRESENT: William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith—6.

ABSENT: Council Member William H. Carder-----1.

ARCHITECTURAL REVIEW BOARD MEMBERS PRESENT: Kevin A. Deck, Robert B. Manetta, and Chairman Robert N. Richert -----3.

ABSENT: Alison S. Blanton, Donald C. Harwood, Matthew Preston and James Schlueter-----4.

OTHERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; Robert B. Townsend, Director of Planning, Building and Development; Martha P. Franklin, Administrative Assistant, Planning Building and Development; Steven J. Talevi, Assistant City Attorney, II; and Rolanda Johnson, Assistant City Manager for Community Development

ZONING/HISTORIC DISTRICTS IN THE COTTON MILL/JEFFERSON CENTER AREA AND AREA NORTH OF THE HOTEL ROANOKE:

Chairman Richert advised that the City Planning Commission will hear a request for rezoning of property known as the Cotton Mill in the vicinity of Marshall Avenue and Luck Avenue, S. W., which property is located in the H-2, Historic District. He stated that the block that the Cotton Mill faces extends between 5th and 6th Streets, Marshall and Luck Avenues, and is surrounded on three sides by the historic district, Jefferson Center on the north, Calvary Baptist Church and the Cotton Mill on the west, and Marshall Avenue on the south, and in view of the Downtown Roanoke Plan and the City's Comprehensive Plan, it would appear that the City Planning Commission should address the entire block, as opposed to piecemeal parcels of land. He noted that if planning is done in terms of downtown and the City's desire to move development of downtown into "uptown" where the Jefferson Center and the Cotton Mill are located, more property than just the Cotton Mill should be considered in terms of planning, since whatever is constructed in that part of the City has a direct impact on the H-2, Historic District.

Mr. Richert called attention to current restoration of the "Moses Building" at the corner of Gilmer Avenue and North Jefferson Street, which is located in the historic district, however, that part of the historic district is not listed on the State or National Register of Historic Landmarks; therefore, property owners are not eligible for tax credits and certain other privileges that make historic preservation economically viable. He added that it is not clear as to which parts of the historic district are included on the State and National Register of Historic Places.

Chairman Richert referenced the new YMCA building and whether it compliments The Jefferson Center; whereupon, the City Manager advised that concept designs are more modern and have been used for fund raising purposes, but the design is not so far along in the process that any portion cannot be changed. She stated that those persons who are engaged in YMCA project design should understand the sensitivities of the area.

The City Manager suggested that Mr. Richert discuss his concerns regarding the Cotton Mill and the Moses building with the City's zoning ordinance consultant.

With regard to construction of any new and large structure, Mr. Richert expressed the fear that the City could end up with a block long, brick wall building; the City's Comprehensive Plan refers to a pedestrian friendly environment and cautioned that new buildings should not be designed from the inside out in such a way as to create a pedestrian unfriendly environment. In the construction of modern buildings within the historic district, he stated that planners should be careful that they do not place themselves in the position of trying to re-create buildings that were not originally there, but instead address the matter in terms of scale and those kinds of things that make new buildings blend in and compliment the historic district.

Mr. Bepitch referred to the two concerns above referenced by Mr. Richert; i.e.: inclusion of the two blocks in the area of the Cotton Mill property and any other area where there may be potential development, which are on the periphery of the historic district, into the historic district; and whether all properties in the historic district that should be on the historic register are actually included. He suggested that the Architectural Review Board and City staff review the matters and submit recommendations to Council.

There was discussion with regard to the IMAX Theatre in which the following observations were made:

One of the things that makes the IMAX Theatre exciting is the fact that it will be unlike any other structure in the City. There seems to be a goal to make sure that buildings work in cohesion with the character of the neighborhood, and caution should be exercised to ensure that local buildings do not all look the same.

It is favorable to have infusion of ideas from other parts of the state or country. Will planners have the opportunity to "step out of the box", because the City has the ability and the experience to plan innovative projects?

The IMAX Art Museum complex should not be built as a background building. Much of the fabric of the City consists of background buildings which are not intended to catch the eye, but contribute to the overall sense of the community. Currently, there is a need for opportunities to construct buildings that are eye catching, and there is an openness on the part of the Architectural Review Board for that kind of expression.

Infill housing is a challenge in the historic district.

REGULATION OF WORK IN CITY RIGHTS-OF-WAY:

Mr. Richert advised that there has been a determination by the City Attorney's Office that the rights-of-way within the historic districts are within the purview of the Architectural Review Board, which creates certain opportunities as well as certain problems for the Board. He stated that when discussing rights-of-way, which include not only City utilities and street paving, etc., but Cox Cable, Verizon, American Electric Power, Roanoke Gas Company, or any other party that uses the public rights-of-way to conduct business within the City, appropriate guidelines are needed. He added that the matter is not so much an issue in the H-1 District where the City has already taken a position that all infrastructure will be underground, but much more of an issue in the H-2 District since most of the utilities are above ground, creating a visual clutter in certain areas. He stated that the Architectural Review Board will work with City staff to develop specific guidelines, and advised that residential areas in the historic districts suffer from ambivalence relative to power lines, telephone lines, and the location of satellite dishes.

At this point, 6:00 p.m., Council Member Harris left the meeting.

The City Manager advised that City staff is reviewing the matter to determine whether changes should be recommended to Council because management of what happens in the City rights-of-way has not routinely fallen under the jurisdiction of the Architectural Review Board, and the City has not experienced any problems to date. She stated that the City cannot impede the progress of certain activities and while there is a strong desire on the part of many people in the Roanoke community to place public utilities in alleys, there have been extensive discussions with the utility companies that have not expressed an interest in doing so. She explained that undergrounding utilities, is expensive; therefore, rather than mandate that these activities to be reviewed by the Architectural Review Board, another option is for Council to consider removing the language, however, no recommendation has been made to date by staff. She called attention to the need for an evaluation of the matter because the City has been installing street lights, etc., in the historic district for many years without any problem.

Mr. Manetta asked that representatives of the Architectural Review Board be included in the discussions.

There was discussion in regard to illumination of lights and dusk to dawn lights, in which it was pointed out that there are citizen concerns in regard to the types of light fixtures and the way light, not only private light but public light, trespasses on the rights of citizens.

Mr. Deck spoke in support of flexibility that would allow the Architectural Review Board to continue to have purview over certain items that make up the street scape, i.e.: bicycle racks, lamp posts, benches, etc., which are part of the pedestrian experience in downtown, and asked that he be included in discussions at the appropriate time.

Ms. Wyatt referred to the amount of light at establishments like Sheetz and Go-Marts and inquired if the City should review the intensity of light that is allowed to filter into adjacent neighborhoods. Concern was also expressed regarding the height of the roof covers on such establishments.

Mr. Manetta pointed out that the matter is more of a City Planning Commission issue, but since the City is in the process of re-writing the zoning ordinance and certain items are being fast tracked, it would be appropriate to include those areas as well.

It was the consensus of Council that the City Planning Commission and staff would be requested to fast track the above referenced issues in zoning ordinance revisions.

The City Manager advised that the City Planning Commission has also been requested to fast track zoning ordinance revisions regarding regulation of cellular telephones.

Mr. Bestpitch requested that other cities be surveyed with regard to undergrounding and/or placing more, if not all utility lines, in alleys, where alleys are available.

Mr. Cutler inquired about the status of billboards and outdoor advertising; whereupon, the City Manager advised that the City currently has regulations in effect; however, a major element of the zoning ordinance review and update should include the City's sign ordinance. She explained that a sign ordinance is generally one of the most difficult activities that a City Planning Commission or a City Council will undertake, therefore, Council can expect a considerable amount of discussion.

APPLICATION FEES:

Mr. Richert advised that legal counsel for the Architectural Review Board previously addressed the matter of application fees; however, the Board unanimously agreed not to advocate the matter at that time. He stated that the Board has seen an increase in the number of requests by persons who have already started or completed a project, therefore, it would be reasonable to impose a fee for applications in a situation where work has been started or completed without approval of the Architectural Review Board. He requested that Council take the suggestion under consideration.

DEVELOPING ARCHITECTURAL REVIEW BOARD GUIDELINES FOR NEW MATERIALS:

Mr. Richert stated that the Architectural Review Board and its staff wishes to accommodate the use of modern construction materials in the historic districts, many of which have already been approved by the City for restoration/rehabilitation purposes. He called attention to the importance of investing funds to engage the services of persons who have knowledge regarding appropriate modern construction materials. He stated that the Architectural Review Board considers its current guidelines to be a work in progress and would like to ensure that it continues to develop new approaches.

Ms. Wyatt expressed concern for those persons who are frustrated because they wish to use a certain type of construction material, but Architectural Review Board guidelines are stringently applied, therefore, houses are left to deteriorate because property owners cannot afford repairs. She stated that some guidelines are not engraved in stone and should be used strictly as a guide.

Mr. Manetta advised that the Architectural Review Board advocates construction materials that blend in with the structure, provide better insulation, value, longer life, and paint holding, etc. He stated that the issues relate to housing protection and economic development, and the purpose of the Architectural Review Board is to protect the neighborhood while maintaining housing stock.

OTHER BUSINESS:

Mr. Richert advised that the Architectural Review Board would like to have additional jurisdiction with regard to landscaping, particularly when addressing infill housing construction. He expressed concern about the tree canopy, especially in the historic district, and noted that it would be advantageous to the City if the Board had some purview over trees so as to avoid the needless destruction of trees when some other action might be more appropriate.

Mr. Bestpitch advised that the next meeting of the Urban Forestry Task Force is scheduled for Wednesday, July 17, 2002 at 7:45 a.m., in the Parks and Recreation Conference Room on Reserve Avenue, S. W. , and invited Mr. Richert to attend the meeting and present information, specifically as it relates to the historic district.

There being no further business, at 6:40 p.m., the Mayor declared the City Council meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday July 15, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----6.

ABSENT: Council Member William H. Carder-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523, adopted by Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, July 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Robert Evan, LLC, that a portion of Hite Street, S. W., extending from the southerly end of the existing cul-de-sac, in a southerly direction for approximately 371.06 feet, more or less, to the northerly line of the right-of-way of U. S. Route 220, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, June 28, 2002, and Friday, July 5, 2002.

A report of the City Planning Commission advising that Hite Street has an existing cul-de-sac that has been dedicated to the City; the petitioner seeks vacation of the remaining portion of Hite Street between the cul-de-sac and the southernmost limit of the street where it abuts U. S. Route 220; Council is authorized to sell the vacated portion of right-of-way, if it so chooses, pursuant to Section 15.2-2008, Code of Virginia (1950), as amended, which authorizes a City to require an abutting property owner to purchase the vacant right-of-way as a condition of vacation; under such an arrangement, the price may be no greater than the fair market value of the property, or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties; and the Department of Real Estate Valuation quoted the valuation range for this 14,601 square foot portion of Hite Street at \$7,600.00 - \$8,800.00, based on a rate of \$1.30 - \$1.50 per square foot, less 60 per cent for utility easements.

The Planning Commission recommended that Council approve the requested closure, contingent upon the following items: the portion of right-of-way in question has no utilitarian value to the City; and the City Planning Commission does not recommend sale of the portion of right-of-way.

The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals thereof, and record the plat with the Clerk of the Circuit Court for the City of Roanoke, said plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of the enabling ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

Upon recording a certified copy of the enabling ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

If the above conditions have not been met within a period of one year from the date of adoption of the enabling ordinance, said ordinance shall be null and void with no further action by City Council being necessary.

Mr. Dowe offered the following ordinance:

(#35995-071502) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 286.)

Mr. Dowe moved the adoption of Ordinance No. 34995-071502. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter.

The City Manager stated that prior to the last Council meeting, she provided Council with correspondence advising that contrary to the recommendation of the City Planning Commission, the City Manager, Director of Community Planning, and administrative staff recommend that the right-of-way not be closed unless it is closed through actual purchase of the property by the petitioner. She explained that the Director of Real Estate Valuation has provided a range value for the property in question; whereupon, she recommended the low end of the range which is \$7,600.00. She stated that it is her informal understanding that the petitioner may be willing to purchase the property if such action represents the only recourse to closure.

Edward A. Natt, Attorney, representing the petitioner, advised that his client is willing to purchase the property, if necessary, in order to close the street. He explained that the property has no utilitarian value as was stated in the report of the City Planning Commission and is not needed for any public purpose; however, the City Manager disagrees. Therefore, he noted that the City Planning Commission, which is the body that recommends planning and zoning actions, etc., is on one side of the issue and the City Manager is on the other side. He addressed issues of price, property, policy and precedent. In regard to price, he stated that the City paid nothing for the street, because it was a dedicated street; the Director of Real Estate Valuation placed a value of 60 per cent on the easement; in most commercial appraisals, the value of an assessment taken is in the range of 80 - 90 per cent of the value of the property, which would, in turn, further reduce the value. In reference to property, he stated that when a portion of a street is proposed to be closed, under State statute, title to one-half of the property goes to each adjoining property owner. He urged that the street be closed without the payment of any sum of money, but if payment is required, he asked if his client will receive title to the full street, or will the other adjoining property owner be required to pay one-half in exchange for one-half of the title. In regard to policy, he noted that there is no established policy for payment of fees for closing and vacation streets; however, he referred to a State statute that allows a local government to impose a charge upon vacation, closure or abandonment of a street, but noted that the City of Roanoke has established no such policy or guidelines. With reference to precedent, he stated that a precedent is being established; whereupon, he called attention to a petition recently approved by Council for vacation of an alley at no charge to the petitioner and that petitioner currently has an entire block of road frontage that includes industrial zoning which

does have land value. He requested that Council approve the vacation of the street and that his client not be charged; however, if his client is to be charged, he encouraged the City to use the 80 per cent value reduction for the easement purchase which is the method that commercial appraisers value the taking of an easement.

The City Manager advised that contrary to Mr. Natt's statement, Council previously adopted a policy relative to the disposition of such properties, at which time Council made a decision not to establish guidelines, but to deal with each request on a case specific basis. She advised that she would provide Mr. Natt with a copy of the enabling measure.

In regard to the concern raised by Mr. Natt regarding whether the easement would be divided half and half between the two adjacent property owners, the City Attorney advised that in this instance the recommendation is to follow State statute allowing sale of the right-of-way, which provides that all of the right-of-way being sold would go to the applicant who pays for same.

There was discussion in regard to the suggestion of Mr. Natt to use the 80 per cent valuation reduction, which would reduce the value of the easement to approximately \$5,000.00, and whether the City would be willing to agree to a compromise somewhere between the \$5,000.00 and the \$7,600.00 recommended by the City Manager.

The Mayor spoke in support of amending the ordinance to require \$6,500.00 for the easement.

Mr. Harris moved that Ordinance No. 35995-071502 be amended to provide for \$6,500.00 for purchase of the vacated right-of-way. The motion was seconded by Mr. Cutler and adopted.

No other persons wishing to be heard, Ordinance No. 35995-071502, as above amended, was adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Carder was absent.)

The Mayor declared the public hearing closed.

CITY PROPERTY-INDUSTRIES-LEASES: Council at its regular meeting on Monday, July 1, 2002, having continued a public hearing with regard to the lease and renovation of certain City-owned buildings located at 117 and 119 Norfolk Avenue, S. W., subject to certain terms and conditions, the matter was again before the body.

The Mayor advised that the City Manager has requested that the public hearing be continued indefinitely; whereupon, without objection by Council, it was so ordered.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523, adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, July 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request from Structures Design/Build, LLC, represented by Steven S. Strauss, that a 0.717 acre portion, more or less, of excess right-of-way of Franklin Road that adjoins Official Tax No. 1300101, be permanently vacated, discontinued and closed , the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, June 28, 2002 and Friday, July 5, 2002.

A report of the City Planning Commission advising that the petitioner's property that adjoins the subject portion of right-of-way is wooded and has never been developed; and a portion of the subject right-of-way contains a creek; staff has concerns about the effect of the vacation on future greenway development; the Roanoke Valley Conceptual Greenway Plan, approved and adopted by Council on December 6, 1999, designates this section of Franklin Road for a future greenway corridor along the roadway; the greenway plan also notes the following as a strategy for acquiring land to develop the greenway system: "Before legal interest is abandoned in any property, evaluate the property's potential for use in the development of greenways. This would include the vacation of easements, formal abandonment of rights-of way and easements and the sale of surplus property."; and the Roanoke Valley Bikeway Plan also designates this section of Franklin Road as an on road facility and recommends a wide outside lane to accommodate bicycles.

It was explained that Council is authorized to sell the vacated portion of the right-of-way, if it so chooses; Section 15.2-2008 of the Code of Virginia (1950), as amended, authorizes a City to require an abutting property owner to purchase the vacated right-of-way as a condition of vacation; under such an arrangement, the price may be no greater than the property's fair market value, or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties; and the Department of Real Estate Valuation has quoted the valuation range for this 31,233 square foot portion of Franklin Road as \$2,700.00-\$3,900.00, based on a rate of \$0.35-\$0.50 per square foot, less 75 per cent for creek/drainage easements.

The City Planning Commission recommended that Council deny the request of the petitioner.

Mr. Dowe offered the following ordinance:

“AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.”

Mr. Dowe moved the adoption of the ordinance. The motion as seconded by Mr. Harris.

Steven S. Strauss, Manager, Structures Design/Build, L.L.C., called attention to plans to develop the property for office use. He stated that land in the City of Roanoke is in short supply, sites have been bypassed or re-examined, and there is a shortage of new, quality small office space in this section of the City. He explained that the property is currently zoned C-1, which means that the site is developable as it currently exists; however, the reason for the requested vacation is to allow the land to be developed in the most aesthetically pleasing manner, which can be accomplished by reducing the degree of cuts to the current embankment, thus retaining a large buffer of existing trees, better landscaping, and a greater degree of flexibility in the placement of the buildings. He explained that the issue before Council is not one of rezoning the property, or what the site should be used for, but it is an issue of whether the right-of-way should be vacated so that the site can be developed in the most sensitive manner possible, given current site conditions. He stated that without vacation of the right-of-way, a developer will be forced to remove a greater number of trees and make more severe cuts in the rear hill side; and regardless of whether the right-of-way is vacated, the storm water channel that extends beside Franklin Road will be piked when the site is developed with sidewalks and curbing.

Mr. Strauss called attention to benefits to the City if the property is developed; i.e.: from a safety point of view, there is a concern as the site currently exists with regard to a large drainage ditch that extends along the heavily traveled Franklin Road, and, in some areas, the edge of the pavement is less than 35 feet from the open ditch, and numerous areas have substandard shoulders and vehicles cannot pull to the side of the road in these locations. He stated that the proposed development would improve this section of Franklin Road with an enclosed storm drainage system that would be properly maintained, relieving the City of the burden of maintenance, with needed improvements at no cost to the City. He added that curb, gutter and sidewalk would be installed in this area of Franklin Road in conjunction with development of the property at no cost to the City, and there would be a significant increase in the City’s tax base and employment opportunities. He

added that the site currently generates only \$660.00 in tax revenue to the City, however, if the property were developed with approximately 17,000 square feet of professional office space, combined tax income for the City would be in excess of \$44,000.00 per year, with \$20,000.00 coming from real estate taxes, up to \$15,000.00 in Business, Professional and Occupational License taxes and up to \$9,000.00 in personal property taxes being generated in the first year of full build out. He advised that the Director of Real Estate Valuation has assessed the property between \$2,700.00 and \$3,900.00, and contributory value of the property would be \$15,100.00; whereupon, he expressed a willingness to pay \$7,800.00 for vacation of the right-of-way.

Mr. Strauss called attention to concerns in regard to greenway issues and while the greenway conceptual plan which links Route 419 and Franklin Road is to be considered when development of sites in the area occurs, the greenway concept for this area is currently in conceptual form with no designated area having been determined. He called attention to questions with regard to on which side of Franklin Road would the greenway run, and advised that if this side of Franklin Road were selected, the northern end of the property is blocked by the West Motor Sales building which is constructed on the property line, with only the sidewalk separating the roadway from the building. He explained that in the proposed development of the property, the sidewalk would tie in with the sidewalk of West Motor Sales so that the greenway would follow the new and existing sidewalk past West Motor Sales toward other office buildings on Franklin Road.

In conclusion, Mr. Strauss advised that the site is currently zoned C-1 and can be developed, but with vacation of the right-of-way, the site can be developed in a more sensitive manner so as to provide a needed tax boost to the City in an aesthetically pleasing manner. He requested that Council approve vacation of the right-of-way as recommended by City Planning staff.

Mr. David Bromm, 3267 White Oak Road, S. W., advised that some type of sidewalk would be beneficial to the area. He stated that future development in the City of Roanoke should take into consideration ridge line protection and erosion of land.

Mr. Cutler concurred in the remarks of the previous speaker in that the City of Roanoke has not done a good job of protecting its ridge lines, and some erosion problems have been caused that are out of control because of the kind of excavation that has taken place on hill sides. With regard to the proposal under consideration, he advised that he intends to vote against the request because he does not believe that this extremely steep slope can be graded without experiencing erosion problems. On behalf of the creek, the trees and minimizing erosion, he stated that he opposes the request of the petitioner.

Upon question as to where the storm water channel will be piked, the City Manager advised that the subject property, absent the right-of-way closure, is properly zoned for office development, and the petitioner intends to develop the property whether or not the right-of-way is closed, which will have an impact on the cut of the hillside, based upon how much land is available. If development occurs, she stated that something will have to be done to the creek and she would ask City staff to review whether the creek could be bridged instead of piked.

In response to Mr. Bromm's concern, the City Manager advised that curb, gutter and sidewalk would be included in the project, regardless of how the property is developed, pursuant to guidelines established by the City on January 1, 2002.

In view of information from the Director of Real Estate Valuation in regard to potential value of the property and issues relating to the cut of the hillside, there was discussion relative to referring the matter back to the City Planning Commission for further report to Council.

The City Manager suggested that the matter be referred to the City Administration if the issues pertain to price and obtainment of an agreement, with a report to Council at its regular meeting on Monday, August 5, 2002.

Mr. Dowe suggested that regardless of whether the development is pursued under C-1 or C-2 zoning, the Roanoke Valley Greenway Commission should be included in discussions and the developer should encourage input from neighborhood organizations within the area that is to be directly affected by the proposed development.

Mr. Cutler encouraged the City Manager to engineer the project so that flood problems are not exacerbated in the future.

No other persons wishing to be heard, Mr. Harris offered a substitute motion that the matter be referred to the City Manager to address issues with regard to cost of the right-of-way and incorporation of acceptable language in official documents to provide for minimization of the cut of the land. The motion was seconded by Mr. Bestpitch and adopted.

Following further discussion and in view of the fact that Mr. Strauss would be unavailable to attend the August 5 City Council meeting, it was the consensus of Council that the public hearing would be continued until the regular meeting of Council on Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523, adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, July 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Kitina A. Gimbert and Sue E. Harrison that an unopened portion of Whitman Street, S. E., from the southerly

boundary of Arbutus Avenue to the boundary of property acquired for the Roanoke River Flood Reduction Project, lying between parcels identified by Official Tax Nos. 4151207 and 4160301, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, June 28, 2002 and Friday, July 5, 2002.

A report of the City Planning Commission advising that Engineering staff determined that the subject portion of right-of-way should be vacated as part of land acquisition negotiations for the City's flood reduction project, and the petitioners were approached by City Engineering staff who prepared the petition on their behalf; and the subject portion of right-of-way is unimproved and dead-ends on the bank of the Roanoke River.

It was further advised that Council is authorized to sell this vacated portion of alley, if it so chooses; Section 15.2-2008 of the Code of Virginia (1950), as amended, authorizes a City to require an abutting property owner to purchase the vacated right-of-way as a condition of the vacation; under such an arrangement, the price may be no greater than the fair market value of the property, or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties; and the Department of Real Estate Valuation quoted the valuation range for this 3,330 square foot portion of alley at \$1,700.00 – \$2,300.00, based on a rate of \$.50 - \$.70 per square foot.

The City Planning Commission recommended that Council approve the request of the petitioner and close, discontinue and vacate this portion of Whitman Street, S. E., subject to the following conditions, and that the petitioners not be charged for the portion of right-of-way, inasmuch as the City initiated the petition on their behalf.

The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals thereof, and record the plat with the Clerk of the Circuit Court for the City of Roanoke, said plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of the enabling ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia,

indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

Upon recording a certified copy of the enabling ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

If the above conditions have not been met within a period of one year from the date of adoption of the enabling ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Mr. Bestpitch offered the following ordinance:

(#35996-071502) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 289.)

Mr. Bestpitch moved the adoption of Ordinance No. 35996-071502. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter. There being none, Ordinance No. 35996-071502 was adopted by following vote.

AYES: Council Members Bestpitch, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Carder was absent.)

The Mayor declared the public hearing closed.

STREETS AND ALLEYS: Pursuant to Resolution No. 25583, adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday July 15, 2002, at 7:00 p.m., or as soon

thereafter as the matter may be heard, on the request of the City of Roanoke, that a 30' public right-of-way, known as Mason Mill Road, N. E., extending from the southerly boundary of Official Tax No. 7230101 to the northerly boundary of said parcel, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, June 28, 2002 and Friday, July 5, 2002.

A report of the City Planning Commission advising that the right-of-way proposed for closure is part of Mason Mill Road N. E. (formerly Manning Road); the petitioner owns all of the adjacent property and wishes to vacate the right-of-way to allow for development of an additional parcel of land in the Roanoke Centre for Industry and Technology (RCIT); the right-of-way requested for closure formerly served as an entrance road to access Blue Hills Golf Course and a farm northeast of the golf course; and the right-of-way has not been used for several years and is no longer needed, as Blue Hills Drive will be extended to serve the RCIT parcels.

The City Planning Commission recommended that Council approve the request, inasmuch as the portion of the street will serve no purpose to the City after Blue Hills Drive is extended.

Mr. Dowe offered the following ordinance:

(#35997-071502) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 291.)

Mr. Dowe moved the adoption of Ordinance No. 35997-071502. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter. There being none, Ordinance No. 35997-071502 was adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Carder was absent.)

The Mayor declared the public hearing closed.

CITY PROPERTY-HOUSING/AUTHORITY-CITY EMPLOYEES-GRANTS-POLICE DEPARTMENT: Pursuant to previous instructions by Council, the City Clerk having advertised a public hearing for Monday July 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to convey City-owned property located at 1224 Rorer Avenue, S. W., and 719 Dale Avenue, S. E., to Blue Ridge Housing Development Corporation (BRHDC), in connection with establishment of a housing assistance program for City employees, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, July 7, 2002.

The City Manager submitted a communication advising that the City of Roanoke receives entitlement grants each year under the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs of the U. S. Department of Housing and Urban Development (HUD); HUD approval of the City's FY 2002-03 CDBG application is forthcoming, and the letter of approval is pending the routine Congressional release process; and as a part of the HUD Entitlement Consolidated Plan application, approved by Council on May 13, 2002, pursuant to Resolution No. 35848-051302, Council authorized funding for the Employer Assisted Housing Program.

It was further advised that in October 2001, Council authorized the City Manager to purchase, on behalf of the City, two properties located at 1224 Rorer Avenue, S. W., and 719 Dale Avenue, S. E., from HUD; under the Employer Assisted Housing Program, the Blue Ridge Housing Development Corporation is to renovate these two properties and make them available for rent and/or lease-purchase by eligible low/moderate income families.; through December 31, 2002, the properties will be marketed solely to low/moderate income Roanoke police officers and teachers and/or other City employees, at below market rate rents, as a recruiting inducement and to benefit an older neighborhood through the presence of positive role models; if the properties are still available on January 1, 2003, BRHDC may begin marketing the properties to the general low/moderate income public, as well; a subgrant Agreement with BRHDC is necessary in order to provide CDBG funding for rehabilitation of the properties involved in the program; and funding is available in Account No. 035-G03-0320-5368 in the amount of \$150,143.00

It was explained that as a part of the Subgrant Agreement, \$150,143.00 in CDBG funds will be provided to the BRHDC in the form of an interest-free, ten year forgivable loan to assist with rehabilitation of the properties; in the event the Employer Assisted Housing Program is discontinued prior to full forgiveness of the loan, BRHDC is required to pay the balance remaining to the City; and a public hearing is required to convey the two properties to Blue Ridge Housing Development Corporation.

The City Manager recommended, following the public hearing, that she be authorized to execute a CDBG Subgrant Agreement and such other documents as may be required with Blue Ridge Housing Development Corporation, to convey and renovate the above referenced properties, with all documents to be approved as to form by the City Attorney prior to execution.

Mr. Bestpitch offered the following ordinance:

(#35998-071502) AN ORDINANCE authorizing the fee simple conveyance of properties located at 1224 Rorer Avenue, S. W., and 719 Dale Avenue, S. E., to the Blue Ridge Housing Development Corporation; authorizing the execution of a Subgrant Agreement between the City and Blue Ridge Housing Development Corporation in order to provide Community Development Block Grant (CDBG) funds for the rehabilitation of such properties, and to provide housing available for rent and/or lease purchase by eligible low/moderate income families; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 294.)

Mr. Bestpitch moved the adoption of Ordinance No. 35998-071502. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter. There being none, Ordinance No. 35998-071502 was adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Carder was absent.)

The Mayor declared the public hearing closed.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

WATER RESOURCES: Ms. Teresa Minton, 1613 Kenwood Boulevard, S. E., expressed concern with regard to water issues; i.e.: previous Councils have not addressed the water situation as a top priority; the prohibition of using water to wash personal vehicles, resulting in the need to use the services of local car wash establishments; she is not permitted to pressure wash a natural wood porch at her private residence in order to prevent deterioration; she has spent hundreds of

dollars on landscaping which cannot be watered; the plight of senior citizens who have planted gardens to supplement their food supply and their crops will be lost without water, which translates into more money that they will be required to spend on groceries, many of whom are on a fixed income; senior citizens and disabled persons who cannot physically carry gallons of water from non-potable water locations established by the City for watering purposes; and confusion by citizens with regard to information that was contained in a recent City publication regarding water usage exceptions.

The City Manager called attention to confusion by some citizens when they learn that certain outdoor water use is permitted for businesses that use water as an integral part of their operations, and a company in the pressure washing business would be permitted to clean the porch at Ms. Minton's residence. She explained that the brochure referred to by the speaker was published prior to the City going to mandatory water restrictions, therefore, circumstances have changed as the City has gone to different levels of water at the Carvins Cove Reservoir. She stated that the City is working diligently to address a situation that is beyond its control, which is the drought that has hit the entire East Coast, the City of Roanoke has been requested by numerous jurisdictions to provide copy of its water conservation plan as jurisdiction after jurisdiction in Virginia has been required to go to water restrictions. She explained that by October 1, the City will have six million gallons of additional water than has been available for the past two years, four million gallons will be available with the opening of the Crystal Springs Filter Plant and two million gallons from wells that the City is currently in the process of digging. She stated that six million gallons of additional water will go a long way toward addressing the water shortage and the City continues to have the ability for approximately the next 17 years to purchase four million gallons of water per day from Roanoke County. She called attention to three locations where citizens may obtain non-potable water, and citizens have been most creative in terms of how they conserve and transport water. She referred to ongoing discussions with Roanoke County with regard to creation of a water authority, however, if the water authority were created tomorrow, it would not provide any more water over the short term. She stated that a recommendation will be submitted to Council in August as to how the additional water could be used to help mitigate the kinds of circumstances referred to by Ms. Minton.

In view of the remarks of the City Manager that a commercial business establishment would be permitted to engage in the service of pressure washing houses, decks, etc., Mr. Bestpitch requested that the City Manager give consideration to the question of allowing citizens to use potable water for pressure washing purposes.

Ms. Wyatt referred to the comment of Ms. Minton that past City Councils have not given top priority to water issues; whereupon, she advised that having served on past Councils, she would be remiss if she did not respond to the statement. She stated that as a result of the drought in 1999, an agreement was entered into with Roanoke County to install inter-locking links between Roanoke City and Roanoke County, in order to provide for water between the two localities, and the City and the County entered into an agreement allowing the City to purchase water from Roanoke County. She added that with the temporary closing of the Crystal Springs Filter Plant, the City has had four million gallons less water per day for the past two years and had that water been available, the City's water situation would not be as severe. She expressed appreciation to the citizens of the City of Roanoke for their willingness to make do in difficult times and situations.

The City Manager pointed out that the City of Roanoke's water system is serving a significantly larger customer base than either Roanoke County or the City of Salem, therefore, more water is used on a daily basis. She also pointed out that prior to July 1, 2001, the City of Roanoke did not have a water policy that promoted water conservation, because prior to July 1, 2001, the more water consumed, the less citizens paid.

COMPLAINTS: Mr. Robert Gravely, 619 Hanover Avenue, N. W., expressed concern with regard to night clubs in the downtown Roanoke area where black males are being searched and questioned about the style of their clothing. He inquired as to why the Gainsboro sign reads "Southwest Incorporated" when the Gainsboro neighborhood is located in the northwest section of the City of Roanoke, and questioned the spelling of "Gainsboro". He called attention to the need to work with the Department of Housing and Urban Development to purchase homes that are in good condition for rent or purchase by low income persons which will generate more revenue to the City through real estate taxes collected. He stated that wages for employees of the City of Roanoke have fallen behind, young adults do not have the jobs they need to earn a decent living, and the City should do more to help citizens as opposed to businesses.

There being no further business, the Mayor declared the meeting adjourned at 8:35 p.m.

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**
